

State of Alaska
Board of Registration for Architects,
Engineers, and Land Surveyors

MISSION STATEMENT

The board's mission is to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and**
- enforcing the licensure and competency requirements in a fair and uniform manner.**



Alaska Division of Corporations, Business and Professional Licensing

Virtual Meeting Code of Conduct

I understand that by participating in any virtual board meeting or event hosted by the Division of Corporations, Business and professional Licensing, **I am agreeing to the following code of conduct:**

Expected Behavior

- Because CBPL and its boards value a diversity of views and opinions, all board members, invited guests, members of the public, and division staff will be treated with respect.
- Be considerate, respectful, and collaborative with fellow participants.
- Demonstrate understanding that the board is following a business agenda and may reasonably change it to ensure meeting efficiency. Unless invited ahead of time to address the board, the chair may recognize members of the public to speak for a limited time during the public comment period.
- Recognize the chair has the authority to manage the meeting, and staff may intercede to assist, if needed.
- All participants are also subject to the laws applicable in the United States and Alaska.

Unacceptable Behavior

- Harassment, intimidation, stalking or discrimination in any form is considered unacceptable behavior and is prohibited.
- Physical, verbal or non-verbal abuse or threat of violence toward of any board member, invited guest, member of the public, division staff, or any other meeting guest/participant is prohibited.
- Disruption of any CBPL board meeting or hosted online session is prohibited.
- Examples of unacceptable behavior include:
 - Comments related to gender, gender identity or expression, age, sexual orientation, disability, physical appearance, body size, race, religion, national origin, political affiliation;
 - Inappropriate use of nudity and/or sexual images in presentations;
 - Use of music, noise, or background conversations as a disruption. While this may happen briefly or incidentally, prolonged or repeated incidents are prohibited.
 - Shouting, badgering, or continued talking over the speaker who has been recognized by the chair.

Reporting Unacceptable Behavior

If you or anyone else in the meeting is in immediate danger or threat of danger at any time, please contact local law enforcement by calling 911. All other reports should be made to a member of the senior management team.

Consequences

If the director of the division determines that a person has violated any part of this code of conduct, CBPL management in its sole discretion may take any of the following actions:

- Issue a verbal or written warning;
- Expel a participant from the meeting;
- Suspend attendance at a future meeting – both virtual and in-person;
- Prohibit attendance at any future CBPL event – both virtual and in-person;
- Report conduct to an appropriate state entity/organization;
- Report conduct to local law enforcement.

CBPL Zoom Meeting Policy/Management

1. Enabled Universal Settings – all CBPL Zoom Accounts
 - A. Schedule Meeting: Audio type (telephone & computer audio), personal meeting IDs, require password for instant meetings, **only 1 meeting can be set in an account for a given time.
 - B. In meeting settings (basic): screen sharing by host only (the host can change that if needed during the meeting), disable desktop/screen share for users
 - C. In meeting settings (advanced): Report participants to Zoom, breakout room, waiting room
2. Staff scheduling meeting:
 - A. Meeting ID – Generate automatically (keeps the ID random)
 - B. Meeting options – mute participants upon entry, enable waiting room
3. Meeting Preparation:
 - A. Staff should schedule the Zoom meeting before submitting the public notice request and include at least 1 of the Zoom call-in numbers and the meeting ID to the Division Director’s assistant for the public notice. This will allow staff to add it to the meeting in the Board meeting calendar that all CBPL employees can view so that front desk staff can provide the information to callers. Melynda can add the one-click join link to meeting invite for division staff that will be attending the meeting (division update, investigations, regulations, etc.) but it will not be shared with the public. Be sure to include the Zoom account that the meeting is listed in.
 - B. The one-click join link should only be provided to board members via OnBoard, not via email.
 - C. The public agenda should have a minimum of 2 Zoom call in numbers and the meeting ID.
 - D. Auto-replies for staff should include the Zoom call in numbers and meeting ID.
4. During the meeting:
 - A. Immediately after call to order and roll call – staff should address the audience, through the chair, “Please note that this meeting is being recorded. The audience may not participate in the meeting with the exception of public comment. If the board enters into executive session, all public attendees will be placed in the waiting room until the executive session concludes and the board returns to the record. Please note that if an attendee disrupts the meeting and does not allow the board to conduct the business scheduled on the agenda, that attendee may be removed from the meeting.”

Zoom Accounts:

PASSWORD: Cbpl2019

BoardofBarbersHairdressers@alaska.gov

boardofnursing@alaska.gov

ConstructionContractors@alaska.gov

boardofpublicaccountancy@alaska.gov

medicalboard@alaska.gov

license@alaska.gov

realestatecommission@alaska.gov



ALASKA STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

AGENDA

MARCH 16, 2023

Zoom link:

<https://us02web.zoom.us/j/82242385655?pwd=V05WZlJ0VXNsVTVFVUVDMWlYaGNFZz09>

Teleconference: 1 669 444 9171

Meeting ID: 822 4238 5655

Passcode: 813432

Meeting Details

Meeting Start Time: Noon

Meeting End Time: 2:00 pm

Meeting Location: Teleconference

Agenda

1. Noon - Call to Order/Roll Call
2. 12:02 pm - Mission Statement
3. 12:03 pm - Virtual Meeting Code of Conduct
4. 12:05 pm - Review/Amend/Approve Agenda
5. 12:10 pm – AELS Letter to Senator Bjorkman w/Issues of Concern
5. 12:15 pm – ID Working Group Report and Discussion
 - A ASID Report
 - B AIA Report & AIA SB73 Position Statement
 - C ID Regulatory Models Comparison
6. 1:30 pm – Review Department of Law Comments on 2019 Regulation Project
7. 2:00 pm – Adjourn

Board Members:

Catherine Fritz
Architect (Chair)

Jeffrey Garness
Engineer -others than those listed (Vice Chair)

Edward Leonetti
Landscape Architect (Secretary)

Robert (Bob) Bell
Land Surveyor

Brent Cole
Public Member

Elizabeth Johnston
Electrical Engineer

Loren Leman
Civil Engineer

Jake Maxwell
Land Surveyor

Randall Rozier
Architect

Sterling Strait
Civil Engineer

Fred Wallis
Mining Engineer



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, Alaska 99801-0806
Main: 907.465.1676
Toll free fax: 907.465.2974

February 24, 2023

The Honorable Jesse Bjorkman, Chair
Senate Labor & Commerce Committee
Alaska State Capitol, Room 9
Juneau, Alaska 99801
Sent via email to laura.achee@akleg.gov

Dear Senator Bjorkman,

The Board of Registration of Architects, Engineers, and Land Surveyors (AELS) is providing this initial response to Senate Bill 73, "An Act relating to registered interior designers and interior design..." for your consideration in the Senate Labor & Commerce Committee. The bill adds the new profession of interior design to the responsibilities of the AELS Board.

Our Board met for a Special Meeting on February 24, 2023, to discuss our response to SB 73. Interior design registration has been a topic discussed by the Board for several years, especially the past two years with former HB 61.

We have also been monitoring the work of the Interior Design Working Group that began meeting in July 2022. This working group is comprised of four Alaskan architects and four interior designers who met five times to collaboratively address issues related to professional registration of interior designers. We understand that its work has not yet been completed, but as we explain in our attached commentary, its work product may be valuable for resolving at least some of the issues we raise. The AELS Board is currently polling its members to schedule another meeting soon to review findings of the Working Group to help us and you in considering SB 73.

We recognize your role is to develop the broader public policy positions and ours is to implement any legislation that is passed. However, we want to share our concerns with the Legislature and solve challenges together whenever possible. We continue to be dedicated to protecting the health, safety, and welfare of Alaskans through the design and construction of our built environments.

Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Catherine Fritz".

Catherine Fritz, Chair
AELS Board

AELS Board

SB 73 Issues of Concern

The AELS Board has reviewed SB 73, compared it to legislation proposed in the previous Legislature, discussed its impacts at a special meeting on February 24, 2023, and offers these comments:

1. The definitions related to Scope of Practice in Sec. 32 (AS 08.48.341) seem excessively broad and detailed. Parts of this section include activities that are outside of normal Health, Safety, and Welfare of the public. Our Board's main purpose is to protect these. Definitions and responsibilities need to be clear for the specific practice of interior design as a profession that is separate from architecture and engineering. This will minimize conflict and reduce enforcement issues. Instead of much of this detail appearing in statute, we believe it more appropriately belongs in regulation and policy. Similar matters are dealt with in our Guidance Manual.
2. Many passages in the bill are not aligned with existing statutory language for other design disciplines. The Board has worked very hard to build consistency, and requests that interior design language be similarly integrated.
3. We are aware of the workload and other impacts of adding a new design discipline and two members to our Board. We have had extensive staff turnover during the past three years, both in operations and enforcement. The complexities of our multi-discipline board are substantial, and we are concerned about adding a new discipline without thoroughly understanding its impacts. Interior designers may be better served through another regulatory framework.
4. SB 73 relies on The Council for Interior Design Qualification (CIDQ) to determine the adequacy of a candidate's Education, Experience, and Examination. The Board currently has three national organizations it relies on to assess the adequacy of this 3-legged stool. Each has robust systems in place that include writing and administering exams, developing standards for practice, and evaluating educational adequacy. CIDQ would become a fourth. Does CIDQ appropriately align with Alaska regulations, and is it similarly rigorous and collaborative? An example of potential concern is exam eligibility. AELS regulations require the Board to review and approve candidates before examination. We understand that CIDQ's approval for a candidate's exam is granted without regard to the Board's actions. CIDQ has verbally indicated it could work with Alaska to satisfy this requirement, but we have not yet seen its formal proposed solution.
5. It is important to understand that SB 73 establishes licensure for selected interior designers, referred to as "registered" through what is known as a "practice act,"² requiring that, unless exempted, anyone practicing interior design would be required to comply with statute and regulation, including education, examination, and experience. The more common framework for regulating interior design in the U.S. is through voluntary certification (approximately 27 states) while five jurisdictions regulate it through practice

acts (Nevada, Louisiana, North Carolina, Puerto Rico, and the District of Columbia). There are significant differences in regulated responsibility and authority in each jurisdiction, making it difficult to compare SB73 to the laws elsewhere. If SB73 were amended to certify interior designers through what is known as a “title act,” individuals who wish to use the title Interior Designer could be recognized through a voluntary process without being charged with health, safety, and welfare responsibilities in AELS statute and regulations. Although the AELS Board is not the body making public policy decisions like this, we suggest this might be an easier “first step” by proponents of the legislation.

6. At our May 2022 regular Board meeting, our chair recommended creating an Interior Design Working Group of architects and interior designers to meet to try to resolve these issues and produce recommendations. With leadership by interior designers, this group was formed, and we understand it met five times between mid-July and mid-November 2022, with more than 16 hours of discussion. However, we haven’t yet seen its work product and it appears it has not yet been incorporated into SB 73. That work may answer many of the questions and concerns we have.

From: [Dana Nunn](#)
To: [Neal, Sara J \(CED\)](#)
Cc: [Catherine Fritz](#); [Kelsey Davidson](#); [Mary Knopf](#); [Barbara Cash](#)
Subject: RE: Interior Design Working Group Report Requested
Date: Sunday, March 12, 2023 7:06:54 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[22-10-15 ASID Memo to AELS - rev 1.pdf](#)

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Hello Sara,

We have nothing new to report from the working group. Our report previously submitted for your November meeting is our latest. We broke for the holidays and since then the interior design contingent opted to focus on preparation for the current legislative session. It's possible our discussions will reconvene but when is unclear.

SB73 revises the regulated title to be "Registered Interior Designer" for consistency with other regulated design professions and includes updated definition of practice and scope of work which correspond to definitions most recently passed in other states with adjustments per input from Alaskan architects to ensure these regulated practice and scope are well-defined, easily understood, and appropriate to the unique aspects of practice in Alaska. All the while, we are striving to balance opposition claims that such definitions are not detailed enough with other opposition comments that definitions are too specific and such detail should be handled in regulations. It's impossible to satisfy both arguments, particularly when some complainants argue both ways depending on their audience. We've opted to proceed as included in SB73, much as landscape architects needed more clarity in initial statutes incorporating that discipline into the AELS umbrella.

Regards,
Dana

Dana Nunn, FASID, CCS, LEED AP, WELL AP | Interior Design Director
Main. 907.561.5780 | **Direct.** 907.771.4516
2600 Denali Street, Suite 710 Anchorage, AK 99503

**BETTISWORTH
NORTH**



Please Note. I will be out of the office March 3-14.

From: Catherine Fritz <jnucatherine@yahoo.com>
Sent: Saturday, March 4, 2023 10:58 AM
To: Dana Nunn <dunn@bettisworthnorth.com>; Cederberg Jessica <jessica.cederberg@uiccs.com>; Ryan Morse <ryan.n.morse@gmail.com>; Kelsey Davidson <kdavidson@salt-ak.com>; Mary Knopf <maryk@ecialaska.com>; Paul Baril

<pbaril@nvisionarch.com>; Barbara Cash <bcash@best-yet.net>

Cc: Loren Leman <loren@lorenleman.com>; Neal Sara J (CED) <sara.neal@alaska.gov>

Subject: Re: Interior Design Working Group Report Requested

Hello again ID Working Group,

The Special Board Meeting regarding SB73 will be held on March 16th. In order to be prepared for that meeting, I request that your written report regarding discussions and recommendations on the general topic of interior design regulation be submitted to Sara Neal (cc'd here) by 8am on Monday March 13th.

Thanks very much,

Catherine Fritz, Chair
AELS Board

[Sent from Yahoo Mail for iPhone](#)

On Monday, February 27, 2023, 12:20 PM, Catherine Fritz <jnucatherine@yahoo.com> wrote:

Hello colleagues,

The AELS Board met on Friday, April 24th to discuss SB73. Some initial comments from the Board were forwarded to Senator Bjorkman, Chair of Labor & Commerce Committee.

The Board would like to review the work of the Interior Design Working Group at its next special meeting (currently being scheduled; likely in mid-March). Can you please prepare a written report for the AELS Board? The report needs to be transmitted to Executive Administrator, Sara Neal (cc'd here) at least 1 week prior to the Board's meeting.

Thanks very much,

Catherine Fritz, AIA
Chair AELS Board
(907) 957-2068

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Status of Interior Design Working Group

Prepared by: Barbara Cash, FASID, IIDA | Mary Knopf, FASID, IIDA
Dana Nunn, FASID | Kelsey Davidson, ASID

October 10, 2022 (*Revised 10/15/2022*)

At the suggestion of the AELS board and invitation of ASID AK, a working group of four NCIDQ-certified interior designers representing ASID Alaska and IIDA Pacific Northwest chapters and four registered architects representing AIA Alaska Chapter was formed in June 2022 to consider issues relating to the regulation of interior design in the interest of creating a new bill to be introduced in the 2023 legislative session.

Interior Designers: Barbara Cash, Kelsey Davidson, Mary Knopf, Dana Nunn
Architects: Paul Baril, Jessica Cedarberg, Catherine Fritz, Ryan Morse

Three meetings have been held and a fourth meeting is intended later this fall. As we, ASID Alaska, committed to in the AELS board meeting on May 11, 2022, this memo serves as our status report to the board for your November 2022 meeting.

Meeting 1 | July 18, 2022

Attendees: Core working group as noted above; ASID AK requested the group include expert representation from the credentialing bodies, NCARB and CIDQ, however AIA AK insisted our first meeting be limited to the core working group members. ASID AK was amenable to this.

Purpose: Identify areas of common ground and potential compromise in the pursuit of regulation for commercial interior design.

- Collaborative history, evolution of the Bill(s) (ref. H.B. 291-2020 and H.B. 61-2021/2022)
- Need for regulation: how interior design services in non-exempted structures affect public HSW
- State of the Professions: Joint report by credentialing bodies NCARB and CIDQ found that:
"Both examinations have well-established and rigorous procedures that must be met. Both Architecture and Interior Design, while similar in requirements are unique and distinct disciplines in practice and required knowledge. Both serve an important role in Health Safety and Welfare within the built environment."
- Definition of practice of interior design
 - Interest in establishing "edge condition" parameters for interior design scope of practice vs architecture
 - Recognized that the definition of architecture so broad as to prohibit practice
- Ongoing study of other states' approaches/language/compromises, recently passed
- Alternate approaches to regulation

The group agreed:

- There are life safety components of interior design that impact health safety, welfare
- Regulation of interior design is appropriate
- Qualified, credentialed interior designers should be able to practice independently within a clearly defined scope of work
- Distinction between qualified interior designers and others who practice aspects of interior design provides recognition and clarity for regulatory and enforcement bodies and the general public

Meeting 2 | August 15, 2022

Attendees: Core working group as noted above, Matt Barusch (CIDQ), Maurice Brown (NCARB).

ASID AK requested the group include expert representation from the credentialing bodies, NCARB and CIDQ, however AIA AK insisted their participation be limited to the beginning of the session when discussion focused on the NCARB/CIDQ joint report. ASID AK was amenable to this.

Purpose: Develop a mutually acceptable definition, scope, and means of regulating interior design in Alaska.

- NCARB and CIDQ representatives participated in first part of meeting for general input and feedback as subject matter experts in credentialing of architecture and interior design professionals, respectively, and in the content of the joint report comparing the practice of architecture and interior design, and their related credentialing examinations, the ARE® and the NCIDQ®. Note: The NCARB/CIDQ Joint Report was not scoped to provide regulatory framework or recommendations:

This report, and the scope of work it summarizes, serves to acknowledge architecture and interior design as two unique, distinct disciplines serving the public in the built environment. This report does not suggest a merger of the two professions, nor does it suggest that the expertise or services provided to the public are interchangeable. Rather, this report documents required areas of competency in professional knowledge and skills that are similar, and in some cases substantially identical. The subject matter experts (SMEs) participating in this study affirm there are areas of strong similarity in the expectations for competency to practice architecture upon licensure and to practice interior design upon NCIDQ certification.

- Deep dive into language refinements for definition of practice of interior design based on recent language developed in other states and discussion of “edge conditions” and interior design practice limitations
- cursory discussion of Continuing Education requirements
- Preliminary discussion of regulatory framework to be revisited in later meeting(s)

The group agreed:

- Regulated Title revised to be Registered Interior Designer

Meeting 3 | September 27, 2022

Attendees: Core working group as noted above; ASID AK requested the group include representation from the credentialing bodies, NCARB and CIDA, for their expertise in joint and independent regulatory frameworks in other states, however AIA AK requested this meeting be limited to the core working group members. ASID AK was amenable to this.

Purpose: Develop a mutually acceptable definition, scope, and means of regulating interior design in Alaska.

- Precedent for multidisciplinary boards which include interior design
- Limitations to scope of practice
- Supplemental definitions
- Regulatory framework: architects will present pros/cons of identified methods in next meeting for discussion

The group agreed to continue consideration of:

- Exclusions to practice
- Regulatory frameworks



ALASKA

Meeting 4 | date TBD

Attendees: We are hopeful that the regulatory framework experts are allowed to participate in the duration of this meeting given the focus on that topic.

Purpose: Continued discussion of regulatory framework options, refine definition of practice and scope of work for clarity and efficiency.

We remain optimistic that a way forward will be resolved for introduction of a bill in spring 2023.



INTERIOR DESIGN REGULATION WORKING GROUP REPORT

Prepared by AIA Alaska Members, for the AELS Board

Date: 3/13/2022

This report was prepared by the AIA Alaska members of the Interior Design Working Group. We made multiple requests to collaborate with the interior designers on this document but received no response. The report summarizes main issues discussed in email communications, the five recorded meetings of the working group between July and November of 2022, as well as ongoing efforts by the AIA group members to inform our organizations membership and state leadership on the topic. We continue to advocate for and pursue all opportunities to work with ASID and others in the industry on common-sense amendments to SB73.

LAWS IN OTHER STATES. The group studied interior design laws in other states. There is no model law for interior design, but elements and histories of several laws are noteworthy. These include:

Louisiana: Title Act in 1984; Practice Act in 1999. Regulated by stand-alone board. Interior design excludes: Design of architectural and engineering work except for specification of fixtures and their location within interior spaces; fire-rated shafts in multi-story structures, fire-related protection of structural elements, smoke evacuation and compartmentalization, emergency sprinkler systems, and emergency alarm systems.

Florida: Title Act in 1988; Practice Act in 1994; Repealed to a voluntary certificate of registration in 2020. '94 Act was the broadest legislation enacted that we studied; and it generated ongoing political and legal disputes; the current solution separated interior design from architecture and removed restrictions on the use of the title Interior Designer.

Alabama & Connecticut: Both have had their courts deem Interior Design Practice Acts unconstitutional and corrected them to Title Acts. Similarly, Texas eliminated its Practice Act that faced legal opposition.

Nevada: Practice Act in 1995. Regulated by Board of Architecture, Interior Design, and Residential Design. Restricts the use of interior designers as prime consultant when the project has more than 2 disciplines: Exempts persons who hold certificate of registration from Fire Marshal to provide approved interior materials and furnishings. Exemption for wall, window, floor coverings, furniture, equipment, lighting & plumbing fixtures not regulated by the building code.

North Carolina: Title Act, 2021. Regulated by Board of Architecture and Registered Interior Designers. 'Licenses' architect to practice a protected scope of work; 'registers' interior designers meeting certain qualifications. Interior Design excludes: Design of architectural and engineering work; Changing the means of access system; Changes of use; Changes to life safety plans, including means of egress components and creating or modifying fire and smoke rated construction.

Illinois & Wisconsin: Title Acts, 2022. Similar legislation from each state was reviewed and determined to have a comparable impact as the North Carolina Title Act, however some language in definitions was interpreted differently by group members and there is little information about the real-world impacts of these most recent regulatory changes.

SCOPE OF PRACTICE. The Working Group parties agreed that interior design is a distinct design practice that differs from architecture. Architectural practice is holistic and integrates interior and exterior spaces, as well as many types of building systems. Architecture includes all the tasks that interior designers do, whereas interior designers specialize in a specific limited portion of architecture.

Interior designers want to increase the scope of practice that they can perform without responsible control by architects. Currently, there are many interior design practices in Alaska that work independently, but their practices are limited by existing statute to: interior finishes, furnishings, and furniture; work in one-to-four-unit residential buildings; alterations and repairs that do not affect the structure or life safety. Architects agree that many aspects of interior design pose a low risk to public health, safety, and welfare (HSW) and should continue to be offered by interior designers without dependency on architects. Other tasks that are significant to HSW such as fire & smoke separations and egress components have been excluded from independent interior design practice definitions by recent legislation in other states. However, this unprecedented expanded HSW scope is currently desired to be part of the practice by interior designers based on direct statements by ASID members of the Working Group.

The group began discussing specific details and limitations of practice to create a “lane” for interior designers to practice within. However, SB 73 was introduced before this work was complete and the bill does not reflect shared ideas about the definition of scope of restricted interior design practice.

TITLE. Interior design is currently a broad term in the marketplace. Since the title is not controlled in Alaska, anyone can call themselves an Interior Designer. The interior designers on the Working Group would like to have a title for people like themselves who possess the education, experience, and examination conditions required for recognition by NCIDQ. AIA Alaska does not oppose a distinction of NCIDQ certified interior designers to increase professional respect and to help differentiate between types of interior design businesses. Architects also want to be clear about their support for maintaining the ability for non-NCIDQ interior designers to continue to have their businesses and offer their services as allowed under current laws.

REGULATORY MODELS. The architects understand the interior designers’ desire for regulation and do not object to such regulation to provide a title, as long as it does not create confusion to the public, reduce the existing responsibilities of licensed architects and engineers to protect HSW, or extend beyond the competencies of interior designers. With help from Sara Chambers, former Director of the AK Division of Professional Licensing, the Working Group reviewed three models for possible regulation in Alaska and developed pros & cons of each. The summary of that analysis is provided as an attachment to this report.

SUMMARY. The architects were not aware that SB73 was being drafted, but now that it has been filed we are working with anyone willing to join us in improving the current bill. We also remain open to finding alternatives to the bill that may satisfy the interior designers’ desire to be regulated. The architects’ two over-arching concerns if interior design is to be regulated in Alaska are:

1. There must be a clear definition of scope that keeps interior design in a “lane” that does not compromise HSW of the public.
2. Existing interior designers without NCIDQ qualifications must not be restricted in their work. They provide valuable services to architects and the general public, and there are many longstanding businesses that do not meet the rigorous NCIDQ requirements.

The currently published AIA Alaska position statement on SB73 is attached to this report for convenience. Working group members have assisted chapter leadership in drafting a detailed survey about SB73 to be distributed to the AIA Alaska membership. We hope the results will help inform efforts to draft amendments to the bill.

We remain eager to work with our colleagues from ASID and thank you for your interest in the Working Group.

Respectfully,

Ryan Morse, AIA, NCARB; Catherine Fritz, AIA; Jessica Cederberg, AIA, NCARB; Paul Baril, AIA, NCARB



POSITION PAPER: SB 73
Issued: March 3, 2023

AIA Alaska OPPOSES SB 73, “An Act relating to registered interior designers and interior design...” as currently drafted and is working with industry peers to provide amendments.

The scope of restricted practice for interior design is too broad and confusing (Sec. 32. AS 08.48.341). The definition of ‘interior technical submissions’ (24) encroaches into the responsibilities of construction contractors and material/equipment manufacturers. Section (25) “the practice of registered interior design” (A) (i) “includes the professional service of creative work.” restricts other professions from doing creative work on buildings. Sections (25)(B)(iii/vi/vii) use terms defined in the International Building Code but lack clarification on key life-safety considerations. Industry peers have confirmed this section intends to reduce the qualifications required to change egress components and fire rated construction.

Background: Architecture integrates a full range of interior and exterior systems creating a building. Architects also provide the life-safety analysis documents for projects. Interior Design is limited to arranging interior spaces that do not require engineering or reduce the building’s overall safety. Both professions have a place in the industry. As a subsection of architecture practice, a well-considered scope of interior design practice is needed to maintain the current level of life-safety protection for the public.

Restrictions at odds with the intent to address labor shortage and safety (Sec 29 AS 08.48.331 (a) (8)). This section has historically allowed over 300 entities with interior design services listed on their business license with the Alaska Department of Commerce to perform services related to interior finishes that are not health, safety, or welfare related. This includes interior finishes such as paint, floor coverings, and furnishings. The impact of the changes to this section will restrict this work to interior designers with NCIDQ qualifications. In 2022, there were approximately 22 NCIDQ qualified Interior Designers in Alaska. AIA Alaska and industry peers with concerns about this provision agree that changing this section is not needed to protect life-safety and will restrict the market for many interior design businesses, thereby inflating the cost of interior design services in Alaska.

SB 73 represents an unprecedented change in licensing for the design and construction industry.

No other state has adopted a law with similarly broad understanding of regulated interior design scope that is typically required to be provided by licensed architects, engineers, and contractors. Similarly, only two states have any laws restricting the practice of interior design especially for work unrelated to life-safety. We have analyzed interior design legislation recently adopted in three other states as the result of collaboration between AIA architects, interior designers, and other industry peers that we consider successful – we are working towards a similar outcome for Alaska.

Next steps: AIA Alaska will respectfully submit amendment recommendations to the bill Sponsor and Senate Labor & Commerce Committee in our ongoing effort to compromise on the proposed regulations.

Questions and discussions are welcome and encouraged!

Please direct any questions to: AIA Alaska, attention Tim Conrad AIA Alaska President

phone: (907) 276-2834 or email: contact@aiaalaska.org

Analysis of Possible Regulatory Models for Interior Design

Prepared by the AIA-ASID Working Group

October 28, 2022

		OPTIONS	PROS	CONS
1	AELS BOARD AS 08.48	Adds Interior Design to the AELS Board Can be done as Practice Act by Licensing IDs; Can be done as a Title Act by Registering IDs.	Lower cost for participating CIDQ Interior Designers Interior Designers want to be part of this group If ID seat on Board is shared with another discipline, disparity of representation is potentially lessened.	Expands the duties and responsibilities of the existing board Interior Designers voice could get lost on the large board; (adding an Interior Design seat to the board would make the board even less proportional to the professions it serves since number of expected ID registrants is low) Increases program costs until regs are developed. Increases costs for all registrants Few other jurisdictions combine 5 distinct professions (19 with branches of eng) If ID seat on Board is added, this increases the disparity of representation (seats) to the associated licensed professions. Practice act would prevent non-NCIDQ IDs from doing work they are currently doing without regulation. Title act for IDs would be unique to AELS board with different thresholds for enforcement potentially causing confusion.
2	AELS BOARD EXEMPTION AS 08.48.331	Exempts scope of Interior Design from the regulations; allowing NCIDQ Interior Designers to work independently in that scope. Practice Act would not apply; protected title would be 'NCIDQ Certified.'	No cost to any Interior Designers. No cost to AELS registrants.	Adds enforcement to AELS Board without providing revenue to offset the cost. Could allow non-NCIDQ IDs doing work they are currently doing under the current system, but not use protected title.
3	OCCUPATIONAL LICENSING Centralized Regulations 12 AAC	Adds Interior Design to Occupational Licensing Can be done as Practice Act by Licensing IDs; Can be done as a Title Act by Registering IDs.	Regulations developed by Interior Designers without needing to fit in with AELS; specific to Interior Design industry only. Regulations changes through Division are simpler.	Highest cost to participating NCIDQ Interior Designers for several years; (This would be a compulsory cost if done as Practice Act) Added enforcement to Division. Practice act would prevent non-NCIDQ IDs from doing work they are currently doing under the current system.

ALL OPTIONS:

- 1 Require a definition of the scope of Interior Design
- 2 Distinguishes Interior Design as a separate discipline from Architecture
- 3 Rely on NCIDQ as the credential authority
- 4 Provide a Title to distinguish NCIDQ Interior Designers from non-NCIDQ certified peers in the industry

Chapter 36. State Board of Registration for Architects, Engineers, and Land Surveyors.

12 AAC 36.010(a) is amended to read:

(a) An application for examination or for registration by comity must be **legible** (((retain "prescribed"))
[TYPEWRITTEN] and filed with the board on a form **provided** (((retain "board")) [PRESCRIBED] by the **department** [BOARD], accompanied by the application fee established in 12 AAC 02.110.

12 AAC 36.010(b) is amended to read:

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board, **the executive secretary of the board, or its designee, as adopted in regulations.** the board's (bold/UL)

12 AAC 36.010(c)(3) is amended to read:

(3) all supporting documents the board has verified, through (bold/UL) **have been verified** [[HAVE BEEN RECEIVED BY THE BOARD VERIFYING]] [RECEIVED] by the board (bold/UL) under [IN] that the applicant meets the registration requirements in AS 08.48 and this chapter.

The introductory language of 12 AAC 36.010(d) is amended to read:

(d) Except as provided in 12 AAC 36.060(a), the board, **the executive secretary of the board, or its designee,** the board's will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

...

12 AAC 36.010(e) is amended to read:

(e) If the board, the executive secretary of the board, or its designee gives conditional approval of an application, the approver [BOARD] also will write a statement of conditional approval. The statement will identify the missing supporting documents or other corrections required to complete the application. Department staff shall change the conditional approval to "approval" when the missing documents and other corrections are received if the documents and corrections clearly show the information required by the board in its statement of conditional approval. If the missing supporting documents or corrections received required interpretation or discretion, department staff shall resubmit the application to the board for approval.

12 AAC 36.010(f) is amended to read:

(f) Except as provided in 12 AAC 36.060(a), the board, the executive secretary of the board, or its designee will determine that an application is incomplete, and will notify the applicant, if the

[(1)] board, the executive secretary of the board, or its designee is not able to determine from the application form and supporting documents whether the applicant meets the registration requirements in AS 08.48 and this chapter [; OR

(2) APPLICATION FORM DOES NOT SHOW THAT THE APPLICANT MEETS THE REGISTRATION REQUIREMENTS IN AS 08.48 AND THIS CHAPTER BUT THE BOARD DETERMINES THAT THE APPLICANT WILL LIKELY MEET THE QUALIFICATIONS WITHIN ONE YEAR].

12 AAC 36.010 is amended by adding a new subsection to read:

(j) ~~Notwithstanding any other regulations,~~ ^{the board,} the executive secretary of the board ^{the board's} or its designee may approve an application for licensure by comity only if credentials are submitted by NCEES, NCARB, or CLARB record. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/3/89, Register 110; am 10/20/90, Register 116; am 5/12/96, Register 138; am 3/8/2001, Register 157; am 10/29/2009, Register 192; am ____/____/____, Register ____)

Authority: AS 08.01.050 AS 08.48.171 AS 08.48.201

~~AS 08.48.055~~ AS 08.48.101 AS 08.48.191

12 AAC 36

by adding a new section

~~12 AAC is amended by relocating 12 AAC 36.070 to 12 AAC 36.045, and is amended to read:~~

12 AAC 36.045. Postponements. The board will grant up to two postponements to an applicant who is scheduled to take the Alaska Land Surveying Examination (AKLS) ~~[OR LANDSCAPE ARCHITECT REGISTRATION EXAMINATION (LARE)]~~ if the applicant's request for postponement is filed with the board not later than 30 days ^{after} ~~immediately following~~ the date of the examination. An applicant who does not appear for an examination and does not qualify for a postponement is not eligible for a refund of the examination fee and ^{must} ~~shall~~ meet the reexamination application requirements in 12 AAC 36.040 to be scheduled for a later examination. (Eff. ~~5/23/74, Register 50; am 9/30/78, Register 67; am 3/16/96, Register 137; am 10/14/2006, Register 180; am~~ ____/____/____, Register ____)

Authority: AS 08.48.101

Editor's note: 12 AAC 36.045 formerly appeared as 12 AAC 36.070.

*The introductory language of 12 AAC 36.050(a) is amended to read:
(a) Except as provided in (e) [AND (f)] of this section and in 12 AAC 36.040, before the board will review an application for examination... ((please cont.))*

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12 AAC 36.050(f) is repealed:

(f) Repealed ____/____/_____. (Eff. 5/23/74, Register 50; am 8/10/80, Register 75; am 8/13/87, Register 103; am 10/20/90, Register 116; am 5/12/96, Register 138; am 11/13/99, Register 152; am 1/20/2002, Register 161; am 10/14/2006, Register 180; am 5/4/2013, Register 206; am 8/7/2016, Register 219; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181

12 AAC 36.060(b)(4) is amended to read:

~~(4) satisfy~~ ^{meet [SATISFY]} the ~~cold regions design~~ ^{requirement set out under} [ARCTIC REQUIREMENTS] ~~of~~ ^{OF}]

12 AAC 36.110; and

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87, Register 103; am 10/20/90, Register 116; am 11/13/99, Register 152; am 10/29/2009, Register 192; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.061(b)(1) is amended to read:

(1) an NCARB ["] Council Record₃ [WITH APPLICATION FOR JURISDICTION REGISTRATION WITH COUNCIL CERTIFICATION, "] ^{just record} if the applicant is applying for registration by examination; or

(Eff. 11/13/99, Register 152; am 3/8/2001, Register 157; am 1/20/2002, Register 161; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 9/8/2006, Register 179; am 2/9/2007, Register 181; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171

The Editor's note under 12 AAC 36.061 is changed to read:

Editor's note: The NCARB publication *NCARB Education Guidelines*, adopted by reference in 12 AAC 36.061(a)(2), may be obtained from NCARB at (202) 879-0520, by writing to the National Council of Architectural Registration Boards, **1401 H Street** [1801 K STREET], N.W., Suite **500** [700K], Washington, D.C. **20005** [20006], or by requesting one online at <https://www.ncarb.org>.

12 AAC 36.063(a)(3) is repealed and readopted to read:

(3) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following table of education and work experience requirements for a professional engineering examination:

TABLE OF EDUCATION AND WORK EXPERIENCE

REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8

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ABET accredited B.S. degree 4 4 8
 in engineering that is not in
 the branch of engineering applied
 for listed in 12 AAC 36.990(17),
 and a master's or doctorate in
 the branch of engineering applied
 for listed in 12 AAC 36.990(17)
 that is acceptable to the board

ABET accredited B.S. degree 4 4 8
 in engineering in the branch of
 engineering applied for listed in
 12 AAC 36.990(17)

ABET accredited B.S. degree in 3 5 8
 engineering technology in the
 branch of engineering applied
 for listed in 12 AAC 36.990(17)

ABET accredited B.S. degree in 3 5 8
 a branch of engineering that is
 not the branch for which the
 applicant has applied

Master's degree in engineering 2 6 8

acceptable to the board in the
branch listed in 12 AAC 36.990(17)
for which the applicant has applied
or in a discipline substantially
similar to the branch for which the
applicant has applied

Doctorate degree in engineering	3	5	8
acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied			

Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
---	---	---	---

Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9
---	---	---	---

12 AAC 36.063(c) is amended to read:

(c) The minimum work experience required for registration must include

(1) two years of responsible charge experience or successful completion of a four-year [RESPONSIBLE CHARGE] mentoring **program** [SYSTEM], as defined in 12 AAC 36.990

and this section. ^{to [TO]} To receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the responsible control of a professional engineer

registered in the United States in the branch of engineering for which the applicant has applied. ^{in the [THE]}

The board will determine the amount of credit given for responsible charge experience gained

under the responsible control of a professional engineer registered in the United States in another

branch of engineering based on the comparability with the branch of engineering to which the

applicant has applied; ^{and}

(2) responsible charge experience **including** [OR] successful completion of ^{a four-year} four

^[FOUR YEARS OF RESPONSIBLE CHARGE OBTAINED WITHIN A] years ~~[OF RESPONSIBLE CHARGE]~~ obtained within a mentoring **program** [SYSTEM WILL

BE CONSIDERED FOR CREDIT ONLY IF IT IS] gained after the applicant has completed

education ^{or} work experience ^{or} both that are equivalent to the requirements to be eligible for the

fundamentals of engineering examination.

12 AAC 36.063(i) is repealed:

(i) Repealed ____ / ____ / ____.

The introductory language of 12 AAC 36.063(j) is amended to read:

(j) To meet the mentoring requirements of this section, an applicant must complete four

years of quarterly face-to-face meetings ^{videoconferences} **or videoconference** with a professional engineer

registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

• • •

(Eff. 9/30/78, Register 67; am 6/29/84, Register 90; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/20/99, Register 152; am 3/8/2001, Register 157; am 6/13/2003, Register 166; am 7/22/2004, Register 171; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.065(a)(2) is repealed and readopted to read:

(2) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following table of education and work experience requirements for professional land surveyors; ~~the board will evaluate the applicant's education and work experience that meet the requirements of AS 08.48 and this chapter and give credit as appropriate:~~

**TABLE OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	Responsible Charge	
			Under R.L.S. In a Land Surveying Capacity In Years	Total Years of Education and Work Experience Required

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Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying	5	3	3	8
---	---	---	---	---

Graduate of an ABET accredited land surveying curriculum 4-year course	4	4	3	8
---	---	---	---	---

Graduate of a board approved land surveying curriculum 4-year course	4	4	3	8
--	---	---	---	---

Graduate of 4-year degree with board approved courses meeting land surveying education standard under (h) of this section	2	6	3	8
--	---	---	---	---

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The introductory language of 12 AAC 36.065(h) is amended to read:

(h) For the purpose of a four-year degree program with board approved courses under **(a)(2)** [(a)(2)(B)] of this section, course work must meet the following land surveying education standard:

...

(Eff. 9/30/78, Register 67; am 2/22/81, Register 81; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/8/2001, Register 157; am 1/20/2002, Register 161; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am 2/16/2012, Register 201; am 5/25/2017, Register 222; am ___/___/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.066(a) is amended to read:

(a) In support of an application for examination or registration as a land surveyor, an applicant shall arrange for verification of the work experience [REQUIRED FOR ELIGIBILITY FOR THE FUNDAMENTALS OF LAND SURVEYING EXAMINATION AND] **as** required in 12 AAC 36.065 to be submitted to the board. Verification of work experience must be on a form prescribed by the board and must be completed and submitted directly to the board by the **licensed** employer who is verifying the applicant's experience.

12 AAC 36.066(d) is amended to read:

(d) A work verification form received for an individual will be reviewed by the board [OR THE DEPARTMENT] only after that individual submits an application for registration as a

land surveyor. (Eff. 1/8/98, Register 145; am 5/25/2017, Register 222; am ___/___/___, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.201

*(((Withdrawn - / - / -)))
Regulations Attorney Initials*

12 AAC 36.067 is amended to read:

12 AAC 36.067. Date of experience. Computation of qualifying experience for admission to the examination as an [ARCHITECT,] engineer **or** [,] land surveyor [, OR LANDSCAPE ARCHITECT] is up to the date of the examination **not to exceed three months.**

Responsible charge experience cannot be projected. (Eff. 9/30/78, Register 67; am 11/13/99, Register 152; am ___/___/___, Register _____)

Authority: AS 08.48.101 AS 08.48.171

The introductory language of 12 AAC 36.068(a) is amended to read:

(((insert before comma)))

(a) To be eligible for the professional landscape architect **registration** examination, **as**

required in 12 AAC 36.100(e), an applicant must submit

...

~~(1) a complete application on a form provided by the department; and~~

The introductory language of 12 AAC 36.068(a)(2) is amended to read:

(2) except as provided in (c) and (i) of this section, satisfactory evidence that the

applicant's education **and** [OR] work experience are equivalent to the requirements set out in the following table of education and work experience for professional landscape architect:

...

*(((Withdrawn - / - / -)))
Regulations Attorney Initials*

12 AAC 36.068(b) is amended by adding a new paragraph to read:

(3) the minimum work experience must include 24 months of responsible charge;

the board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its meeting the definition of "subprofessional work" in 12 AAC 36.990.

12 AAC 36.068(g) is amended to read:

(g) On a form provided by the department, an applicant shall submit a report for each meeting under (f) of this section, including

(1) a description of the applicant's work experience **and topics** reviewed during the meeting;

(2) a statement indicating whether ^[OR NOT] ^{P(A)} ~~or not~~ the work experience reviewed was **responsible charge experience** ^{P(B) the work experience} ^(bold) ~~if it was~~ directly applicable to professional landscape architectural work and ^{P(C) [WHETHER]} ^(bold) whether the work was performed according to industry standards; and

(3) the signature, **date**, and seal of the professional landscape architect who served as the applicant's mentor.

12 AAC 36.068(i) is amended to read:

(i) Upon submission of evidence of graduation from an LAAB accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for [SECTIONS 1 AND 2 OF] the examination as early as can be scheduled after graduation.

[AUTHORIZATION TO SIT FOR THE REMAINING PORTIONS OF THE EXAMINATION WILL NOT BE GRANTED UNTIL SATISFACTORY EVIDENCE THAT THE APPLICANT'S EDUCATION AND WORK EXPERIENCE REQUIREMENTS SET OUT IN THE TABLE OF EDUCATION AND WORK EXPERIENCE FOR PROFESSIONAL LANDSCAPE

ARCHITECT IN (a)(2) OF THIS SECTION HAVE ALL BEEN SATISFIED.] (Eff. 11/13/99, Register 152; am 9/11/2004, Register 171; am 8/19/2006, Register 179; am 5/4/2013, Register 206; am ___/___/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.069 is repealed and readopted to read:

12 AAC 36.069. Standards for registration as a landscape architect. (a) In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) investigation, selection and allocation of land and water resources for appropriate uses;
- (2) formulation of feasibility studies and graphic and written criteria to govern the planning, design and management of land and water resources;
- (3) preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- (4) determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- (5) design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- (6) consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation, restoration, remediation, stabilization and

enhancement;

(7) design of non-habitable structures for aesthetic and functional purposes, such as pools, walls, and structures for outdoor living spaces, for public and private use;

(8) determination of proper land use as it pertains to natural features; ground cover, use, nomenclature, and arrangement of plant material adapted to soils and climate;

naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;

(9) design with a priority to ensure equal access to all public goods and services through the use of barrier-free and inclusive design in compliance with the Americans with disabilities Act (ADA);

(10) consultation, planning, designing or responsible supervision relative to natural drainage and the consideration, determination, and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards to include the implementation of low-impact development and green infrastructure designs;

(11) design of land forms and land form elements relative to recreation and facilities, parks and playgrounds, and related construction details;

(12) consultation, planning, designing or responsible supervision in connection with urban renewal, multimodal transportation, urban design, and neighborhood planning;

(13) consideration of the health, safety, and welfare of the public.

(b) In this section, "public welfare" is defined through environmental sustainability, contribution to economic sustainability and benefits, promotes public health and well-being, builds communities, encourages landscape awareness and stewardship, offers aesthetic and creative experiences, and enables people and communities to function more effectively. (Eff.

((Withdrawn
Regulations Attorney
Initials:))

7/13/2002, Register 163; am ___/___/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
AS 08.48.171 AS 08.48.191 AS 08.48.201 ((bold))

12 AAC 36.070 is ~~amended and relocated to 12 AAC 36.045:~~ ^{repealed}
~~12 AAC 36.070. Postponements. Relocated to 12 AAC 36.045.~~ ^{((Restore original history note here, ending with "; repealed ___/___/_____, Register ___")}

Editor's note: 12 AAC 36.070 was relocated at 12 AAC 36.045. ^{The subject matter formerly in (has been) to ((bold whole note))}

The authority citation that follows 12 AAC 36.080 is ~~amended~~ ^{changed} to read:

Authority: AS 08.48.101 [AS 08.48.101(a)]

The section heading of 12 AAC 36.100 is amended to read:

12 AAC 36.100. Required [CONTENT OF] examinations.

12 AAC 36.100(d) is amended to read:

(d) Unless an applicant is registered by comity under AS 08.48.191(c), an applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes

(1) the NCEES Principles and Practices of Surveying; [AND]

(2) [REPEALED 3/16/96;

(3)] a state examination covering laws, procedures, and practices concerning land surveying in Alaska; ^{((bold)) this state} and

(3) the NCEES Fundamentals of Surveying. ^[ALASKA]

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(Eff. 5/23/74, Register 50; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 11/13/99, Register 152; am 8/19/2006, Register 179; am 7/12/2008, Register 187; am 7/19/2009, Register 191; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

The introductory language of 12 AAC 36.103(a) is amended to read:

(a) Under AS 08.48.191(a), the board, the executive secretary of the board, or its ^{the board's} ~~its~~ ^{((bold))} **designee** may issue a certificate of registration as an architect to an applicant who
...

12 AAC 36.103(a)(3) is amended to read:

(3) has completed the cold regions design [ARCTIC ENGINEERING] requirements of 12 AAC 36.110; and

The introductory language of 12 AAC 36.103(d) is amended to read:

(d) If an architect who provides a reference letter under (e) of this section does not possess a seal, the architect [APPLICANT] must provide the board an explanation ^{an explanation to} ~~an explanation~~ ^{((bold))} [A STATEMENT FROM THAT ARCHITECT],

...
(12 AAC 36.103 is amended to add a new subsection to read:
(F) An application that does not clearly demonstrate the qualifications for issuance of a certificate of registration under (a) of this section must be reviewed and approved by the board.

(Eff. 6/3/89, Register 110; am 1/1/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 7/12/2008, Register

187; am 7/25/2008, Register 187; am 3/11/2012, Register 201; am 3/28/2019, Register 229; am
____/____/____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.191

The introductory language of 12 AAC 36.105(a) is amended to read:

(a) Under AS 08.48.191(b), the board, the executive secretary of the board, or its ^{the board's}
designee may issue an engineering certificate of registration to an applicant who

...

12 AAC 36.105(a)(1) is amended to read:

(1) documents education and passage of examinations that meet the requirements
of (b) or (h) of this section;

12 AAC 36.105(a)(3) is amended to read:

(3) has completed the cold regions design [ARCTIC ENGINEERING]
requirements of 12 AAC 36.110; and

12 AAC 36.105(b)(1) is amended to read:

(1) submit verification of current registration to practice engineering in a state,
territory, or possession of the United States, the District of Columbia, or a foreign country that
was based upon education, experience, and examination requirements that, in the opinion of the
board, were at least equivalent to the requirements of AS 08.48 and this chapter at the time the
applicant's out-of-state registration was issued or at least equivalent to ^{the [CURRENT]} ~~current~~ requirements

under (h) of this section; the applicant must have passed an NCEES engineering examination in the same branch of engineering that is being applied for, as required by 12 AAC 36.100(c); and

The introductory language of 12 AAC 36.105(g) is amended to read:

(g) If an engineer who provides a work experience verification under (c)(1) of this section or a reference letter under (c)(2) of this section does not possess a seal, the engineer [APPLICANT] must provide the board ^{an explanation to (board)} an explanation [A STATEMENT FROM THAT ENGINEER],

...

12 AAC 36.105(h) is amended to read:

((Insert language from LRLR Attorney Suggested Edits))
(h) ~~In addition to meeting the requirements of (b)(1) of this section, an applicant for structural engineering registration by comity must have passed an NCEES Principles and Practices of Engineering Examination and~~
~~(1) the [16-HOUR] NCEES PE Structural [ENGINEERING] Examination; or~~
~~(2) the NCEES Structural II and Washington or California Structural III exams passed prior to 2011; or~~
~~(3) the NCEES Structural I and NCEES Structural II passed prior to 2006;~~
~~or~~
~~(4) the Western States 16-hour Structural exam passed prior to 2004; and~~
~~(5) have six years of experience with a bachelor's degree or five years of experience with a master's degree. Applicants who have passed the NCEES Structural Engineering I Examination, NCEES Structural Engineer II Examination, or the NCEES PE~~

Structural Examination [BOTH] may be granted a civil engineering registration. (Eff. 9/30/78,

Register 67; am 8/13/87, Register 103; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 6/11/2005, Register 174; am 7/25/2008, Register 187; am 7/19/2009, Register 191; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am _____ / _____ / _____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

*12 AAC 36.105 is amended to add a new subsection to read:
(i) An application that does not clearly demonstrate the qualifications for issuance of a certificate of registration under (a) of this section must be reviewed and approved by the board.*

12 AAC 36.106 is repealed:

12 AAC 36.106. Registration in additional branches of engineering. Repealed. (Eff.

3/11/2012, Register 201; repealed _____ / _____ / _____, Register _____)

The introductory language of 12 AAC 36.107(a) is amended to read:

(a) Under AS 08.48.191(c), the board may [WILL, IN ITS DISCRETION,] issue a land surveyor registration, [WITHOUT EXAMINATION,] to an applicant who

...

(Eff. 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am

_____ / _____ / _____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

12 AAC 36.107(a)(3) is amended to read:

(3) has passed the state land surveyor examination identified in 12 AAC 36.100(a)(2) [12 AAC 36.100(a)(3)].

12 AAC 36.108 is repealed:

12 AAC 36.108. Application for registration as a structural engineer. Repealed. (Eff. 9/9/16, Register 219; repealed ____ / ____ / _____, Register _____)

12 AAC 36.109 is repealed and readopted to read:

12 AAC 36.109. Landscape architect registration by comity. (a) Under AS 08.48.191(d), the board, the executive secretary of the board, or ^{the board's} ~~its~~ designee may issue a landscape architecture certificate of registration to an applicant who

(1) documents education and passage of examinations that meet the requirements of (b) of this section;

(2) documents work experience that satisfies the requirements of (c) of this section;

(3) ^{completes} ~~has completed~~ the cold regions design requirements of 12 AAC 36.110; and

(4) ^{completes} ~~has completed~~ a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

(b) An applicant for a certificate of registration as a landscape architect by comity must submit

(1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110;

(2) verification of a current registration to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines were ^{substantively} ~~at least~~ equivalent to the requirements of AS 08.48 and this chapter at the time the

applicant's out-of-state registration was issued; and

(3) either

(A) verification of ^{not less than} ~~at least~~ 24 months of responsible charge experience as a landscape architect as defined under AS 08.48.341(9) or as verified by the signature and seal, except as provided in (c) of this section, by the landscape architect who supervised the applicant and who at the time of providing supervision, was legally registered as a professional landscape architect in a state, territory, or possession of the United States, or a foreign country; or

(B) if the applicant has been practicing landscape architecture for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, two letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (c) of this section, by a landscape architect who is legally registered in a state, territory, or possession of the United States, territory, the District of Columbia, or a foreign country.

(c) An applicant for a certificate of registration as a landscape architect by comity under this section may submit ^a council record issued by CLARB to verify the applicant's ~~qualifications~~ ~~including~~

- (1) examination results;
- (2) education; and
- (3) registration in another licensing jurisdiction.

(d) If a landscape architect who provides work experience verification under (b)(2) of this section or reference ^{letters} ~~letter~~ under (b)(3) of this section does not possess ^a ~~as~~ seal, the ^{landscape architect} ~~applicant~~ must provide the board ^{an explanation to} ~~a statement from that landscape architect~~

- (1) providing that landscape architect's registration number; and
- (2) for the landscape architects providing a reference letter, certification that the

registration of that landscape architect is current. (Eff. 11/13/99, Register 152; am 7/25/2008,

Register 187; am ___/___/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

(e) An application that does not clearly demonstrate the qualifications for issuance of a certificate of registration under (a) of this section must be reviewed and approved by the board.

12 AAC 36.110 is amended to read:

12 AAC 36.110. Cold regions design [ARCTIC] requirement. (a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university-level course in **cold regions design [ARCTIC ENGINEERING]** or its equivalent.

~~(b) Repealed 3/28/2019.~~ (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87,

Register 103; am 11/13/99, Register 152; am 3/28/2019, Register 229; am ___/___/_____,

Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

12 AAC 36.115(b)(3) is amended to read:

- (3) seeking an active certificate of registration

[(A)] as a professional architect, engineer, **land surveyor**, or landscape architect meets at the time that application is made under this section the continuing education requirements applicable under **12 AAC 36.510 – 12 AAC 36.550**

[12 AAC 36.510(j);

(B) AS A PROFESSIONAL LAND SURVEYOR MEETS AT THE TIME THAT APPLICATION IS MADE UNDER THIS SECTION THE CONTINUING EDUCATION REQUIREMENTS OF 12 AAC 36.510 - 12 AAC 36.550 FOR ONE BIENNIAL REGISTRATION PERIOD]; and

(Eff. 7/26/97, Register 143; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 8/19/2006, Register 179; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.215

The introductory language of 12 AAC 36.135 is amended to read:

12 AAC 36.135. Review of application for corporate, limited liability company, or limited liability partnership authorization. An applicant who meets the requirements [ON THE CHECKLIST] established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, or limited liability partnership practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, or limited liability partnership practice will be issued to an applicant who submits

• • •

12 AAC 36.135(4) is amended to read:

(4) a copy of the bylaws of the corporation, the articles of **organization** [INCORPORATION] or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership showing that the corporation, limited liability company, or limited liability partnership has complied with the requirements in AS 08.48.241(b)(1);

Potential reject if not withdrawn

The introductory language of 12 AAC 36.135(7) is amended to read:

(7) a certified statement **in a format approved** [ON A FORM PROVIDED] by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, or limited liability partnership; the statement must include each responsible charge licensee's
• • •

(Eff. 10/10/96, Register 140; am 11/13/99, Register 152; am 3/8/2001, Register 157; am 3/9/2001, Register 157; am 8/19/2006, Register 179; am 10/31/2019, Register 232; am ___/___/___, Register ___)

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36.180(a) is repealed and readopted to read:

12 AAC 36.180. Seal. (a) The seal authorized for use by professional architects, landscape architects, land surveyors, and structural engineers shall be of the following designs or a substantially similar electronic or digital representation of the designs. The license number noted on the seal ^{must} shall be only the numeric characters of the registrant's license number ^{and} (exclude ^{design that corresponds to the individual's profession} ^{that design} ^{of}

alpha characters):



12 AAC 36.180(b) is repealed and readopted to read:

(b) The seal authorized for use by professional engineers ^{must} shall be of the following design or a substantially similar electronic or digital representation of the design:



Example Professional Engineer Seal

The seal must reflect the branch of engineering two-character identifier (XX) authorized by the board. This identifier shall be placed before the registrant's license number as shown in the examples. The license number noted ^{must} shall be only the numeric characters of the registrant's license number and exclude alpha characters.

Branch of Engineering Identifier

- | | |
|-------------------------------|---|
| AG – Agricultural engineer | IN – Industrial engineer |
| EC – Chemical engineer | ME – Mechanical engineer |
| CE – Civil engineer | MM – Metallurgical and Materials engineer |
| CS – Control systems engineer | EM – Mining and Mineral Processing engineer |
| EE – Electrical engineer | NM – Naval architecture and Marine engineer |
| EV – Environmental engineer | NU – Nuclear engineer |
| FP – Fire protection engineer | EP – Petroleum engineer |

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 10/20/90, Register 116; am 11/13/99, Register 152; am 1/20/2002, Register 161; am 3/11/2012, Register 201; am 9/9/2016, Register 219; am ___/___/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.221

12 AAC 36.990(a)(20) is amended to read:

(20) "responsible charge" as it pertains to "work in the office" means undertaking investigations or carrying out assignments, ^{(Code) that [which]} which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering, **landscape architecture**, or land surveying work with only rough sketches, general information and field measurements for reference;

12 AAC 36.990(a)(22) is amended to read:

(22) "subprofessional work" means time spent working in design support or construction related employment. ~~The board will evaluate the relevance of the requested subprofessional experience~~ [AS RODMAN, CHAINMAN, RECORDER, DRAFTSMAN, CLERK OF WORKS, INSTRUMENT MAN, INSPECTOR, OR SIMILAR WORK WHERE PERSONAL RESPONSIBILITY AND TECHNICAL KNOWLEDGE ARE SLIGHT];

12 AAC 36.990(a)(33) is repealed:

(33) repealed ___ / ___ / ___;

12 AAC 36.990(a)(43)(A) is amended to read:

~~(43) "engineering surveys"~~

(A) means work performed by a professional engineer to measure and assess structures, machines, equipment, utility systems, materials, processes, and [WORK] public or private works;

12 AAC 36.990(a) is amended by adding a new paragraph to read:

^{A7} (46) "progressive structural experience" means ~~that a candidate for structural~~ ^{paragaphs} ~~licensure progresses in job knowledge and duties including the design of significant structures while under the responsible charge of a registered structural engineer;~~ ^{(((Insert text from L&LR Attorney suggested edits)))}

«(Switch order)»

12 AAC 36.990(a) is amended by adding a new paragraph to read:

^{A6} (47) "mentoring program" in which a corresponding licensee reviews a mentee's ^{means a program}

work on a regular basis to ensure that the work meets the standard of care of that discipline and confirms that the mentee is developing experience and responsible charge.

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am ____ / ____ / _____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
 AS 08.48.171 AS 08.48.191

Introductory language of 12 AAC 36.010(d) – I conformed this amendment to the language used under (b) by changing “...executive secretary of the board, or its designee,” to “executive secretary of the board, or the board’s designee”. However, can the board please review to ensure that conforming changes aren’t further needed to **12 AAC 36.010(d)(3) - (5)**, provisions that still refer to the board alone

(d) Except as provided in 12 AAC 36.060(a), the board will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

- (1) application form is substantially complete and includes the applicant’s notarized signature;
- (2) application fee has been paid;
- (3) **board** has determined that the applicant’s qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;
- (4) **board** has received all supporting documents required for board review of the application, as defined in (i) of this section; and
- (5) **board** has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

12 AAC 36.990(47) (formerly .990(46)) – I have adapted Harriet’s recommended definition from the agency attorney memo (and renumbered this paragraph, see the edits below) to replace the board’s definition for grammar and vagueness, producing the following:

What is in the reg project:

12 AAC 36.990(a) is amended by adding a new paragraph to read:

(46) "progressive structural experience" means that a candidate for structural licensure progresses in job knowledge and duties including the design of significant structures while under the responsible charge of a registered structural engineer;

What DOL is suggesting:

(47) progressive structural experience” means the experience gained by an applicant as a structural engineer while the candidate worked with designs of one or more significant structures, under the responsible charge of a registered structural engineer.

12 AAC 36.103, .105, and .109 - new subsections were added to each of these sections to address the following concern: if the application is rejected by the executive secretary, then the executive secretary is essentially standing in for the board. As such, the following language has been added in each case:

- () An application that does not clearly demonstrate the qualifications for issuance of a certificate of registration under (a) of this section must be reviewed and approved by the board.

Loren Leman reaction to revised regulations:

1. In several locations these regulations persist in using the term “executive secretary” to refer to the person we now call “executive administrator.” I assume we do so to be consistent with statutes. However, we have submitted a statute bill that looks likely for passage during this session of the Legislature. It changes the term to executive administrator.
2. I looked through the recently edited version and believe I can live with most, if not all, of the small blue mark-ups.
3. On Page 26, why do we show two options for the Engineer seal?
4. On Page 27, the definition with title “responsible charge” really should be titled “responsible charge experience.” Additionally, in my opinion, the definitions for “responsible charge of work in the field” and “responsible charge of work in the office” should be updated and perhaps even combined. I previously suggested this definition for consideration, but I don’t believe we ever formally acted on it:

Responsible Charge Experience

Means progressive development for personally delivering or managing work that often requires application of technical principles, resourcefulness, and originality. This may include investigations, surveys, calculations, permit compliance, plans, drawings, designs, specifications, construction observation, and submittal reviews; documentation, fieldwork, and directing drafting, word processing, and other support services; interacting with other team members; public involvement; and project management. The professional-in-training may encounter project challenges, changed conditions, questions about suitability of materials, execution of field services, and resolution of other issues that require unique decisionmaking. The required minimum of 24 months of responsible charge experience is to prepare an applicant for taking "responsible charge" as a professional registrant.

This may be a change too great for us to do with the regulation project we are trying to get filed with the Lieutenant Governor. However, it is something we should act on as we update and revise our regulations.

5. On Page 28, the definition for subprofessional work seems lacking. It doesn’t really tell what we mean by this term. What do other jurisdictions do? Do NCEES and NCARB have model definitions for what this term means? Those might be places to start, although I haven’t been “wowed” by some of what we have received from them as we try to sort this stuff out.

From: [Strait, Sterling H.](#)
To: [Neal, Sara J \(CED\)](#)
Subject: RE: Progressive Structural Experience
Date: Monday, March 6, 2023 11:21:23 AM

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Sara,

The proposed definition changes the intent of this definition in several ways:

- States that *'experience is gained by an application as a structural engineer'* while the intention is the an application is gaining this experience prior to becoming a structural engineer
- Eliminates reference to progressive *'job knowledge and duties'* which is a key aspect of this definition
- Experience could only be gained while working on significant structures. This is not the intention; only that the experience includes some amount of work on a significant structure.

I propose the following modified language:

(47) progressive structural experience” means the experience gained by an applicant ~~as a~~ for structural engineer **licensure including escalating structural job knowledge and duties which includes with** designs of one or more significant structures, **obtained while the candidate worked** under the responsible charge of a registered structural engineer.

-Sterling Strait
Alyeska Engineering
(907) 787-8731

From: Neal, Sara J (CED) <sara.neal@alaska.gov>
Sent: Saturday, March 4, 2023 12:27 PM
To: Strait, Sterling H. <Sterling.Strait@alyeska-pipeline.com>
Subject: [EXTERNAL]: Progressive Structural Experience

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Hi Sterling –

DOL has finished doing their second review of the Nov 2019 reg project and has this suggested edit. We will be discussing this during the special March 16 board meeting, but wanted you to have it so that you could be reviewing it and have suggestions/edits as necessary. Thanks!

12 AAC 36.990(47) (formerly .990(46)) – I have adapted Harriet’s recommended definition from the agency attorney memo (and renumbered this paragraph, see the edits below) to replace the board’s definition for grammar and vagueness, producing the following:

What is in the reg project:

12 AAC 36.990(a) is amended by adding a new paragraph to read:

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What DOL is suggesting:

(47) progressive structural experience” means the experience gained by an applicant as a structural engineer while the candidate worked with designs of one or more significant structures, under the responsible charge of a registered structural engineer.

Kind Regards,

Sara Neal

Executive Administrator

Board of Registration for Architects, Engineers and Land Surveyors

aelsboard@alaska.gov

(907)465-2540